

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

ROBERT BARROR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 3:20-cv-00731-SB
	)	
CITY OF SAINT HELENS, and	)	
ADAM RAETHKE, in his	)	
individual capacity,	)	
	)	
Defendants.	)	

VIDEO CONFERENCE DEPOSITION OF  
TROOPER CHRISTOPHER COWEN

January 31, 2022

Christopher Cowen

1 BE IT REMEMBERED That, pursuant to stipulations  
2 between the parties, the deposition of TROOPER  
3 CHRISTOPHER COWEN was taken before Anne K. Love, a  
4 Certified Shorthand Reporter for Oregon on Monday,  
5 January 31, 2022, at 1:02 p.m.; all participants  
6 appearing remotely.

7  
8 APPEARANCES

9  
10 Appearing in behalf of the Plaintiff:

11 MR. JUSTIN STEFFEN  
12 Attorney at Law  
13 1500 SE Lake Rd., Suite 5  
14 Milwaukie, Oregon 97222  
15 Phone: 971 570-9225  
16 E-Mail: info@steffenlegal.com

17  
18 Appearing in behalf of the Defendants:

19 CHOCK BARHOUM, LLP  
20 121 SW Morrison St., Suite 500  
21 Portland, Oregon 97204  
22 By: Mr. Jeffrey W. Hansen  
23 Phone: 503 223-3000  
24 E-Mail: jeff.hansen@chockbarhoum.com

25  
26 Appearing in behalf of Trooper Cowen:

27 OREGON DEPARTMENT OF JUSTICE  
28 100 SW Market Street  
29 Portland, Oregon 97201  
30 By: James S. Smith  
31 Phone: 503 947-4700  
32 E-Mail: james.s.smith@doj.state.or.us

33  
34 ALSO PRESENT: None.

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1 TROOPER CHRISTOPHER COWEN

2 was called as a witness and, after having been first  
3 duly sworn, was examined and testified via video  
4 conference as follows:

5 EXAMINATION

6 BY MR. STEFFEN:

7 Q. Good afternoon, Trooper Cowen. My name is  
8 Justin Steffen. I am Robert Barror's attorney and he's  
9 filed a lawsuit against the City of Saint Helens  
10 alleging violation of his constitutional rights. I want  
11 to be clear neither the Oregon State Police or any  
12 troopers are named in the lawsuit. They're -- you're  
13 here just as a third-party witness only.

14 Do you understand that I'm here to ask you  
15 questions under oath just as if you were testifying in  
16 court in front of a judge?

17 A. I do understand.

18 Q. And I want to go over a couple of simple ground  
19 rules here. It's important that we try not to talk over  
20 each other so the court reporter can make a record, so  
21 please try to wait until I'm done asking a question  
22 before you answer and I'll try to wait until you're done  
23 with your answer before I ask my next question. Does  
24 that make sense?

25 A. Makes sense.

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1 A. Yes, so we do basically trimesters, so three  
2 times a year we go through kind of use of force either  
3 scenarios or training. So it's ongoing training with  
4 the state police.

5 Q. And does this training advocate the use of the  
6 least amount of force necessary to either effect an  
7 arrest or control the situation?

8 A. As long as it's objectively reasonable force,  
9 yes. The goal is to ultimately use the least amount of  
10 force -- (audio interruption). The goal is obviously  
11 making sure that the use of force -- using the least  
12 amount of force necessary to overcome the resistance  
13 that we're facing.

14 Q. Let's talk about the incident with Mr. Barror.  
15 Do you recall the Saint Helens Police Department  
16 assisting OSP in arresting Mr. Barror on August 6, 2019?

17 A. I do.

18 Q. And can you please describe how you came to be  
19 involved in that incident?

20 A. Yes. So I was riding in the passenger seat of  
21 the patrol car and Trooper Travis Killens was operating  
22 the patrol car. I was Trooper Killens' field training  
23 officer that day. We were on patrol and we overheard  
24 the Columbia County dispatch air traffic complaints and  
25 the traffic complaint was in substance that a pickup

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1 truck was traveling at a high rate of speed. I believe  
2 it was like 100 miles an hour and that the RP was  
3 following, and driving in the center median of the  
4 highway if I recall correctly.

5 So when we got that information we were right  
6 there at the intersection of Highway 30 and Gable Road  
7 in Saint Helens. Trooper Killens turned around and we  
8 ended up locating the vehicle in question at the  
9 intersection of Mallard Road and Highway 30. The  
10 vehicle was traveling westbound on Highway 30 at  
11 Millard.

12 I remember seeing the truck pull into the  
13 right-hand dedicated only turn lane onto Millard to go  
14 north, and then all of a sudden you saw the vehicle yaw  
15 and make a very sharp turn and cut across all lanes of  
16 traffic to head southbound on Millard.

17 At that point I knew we had probable cause for  
18 reckless driving based on my observations. And so I was  
19 observing Trooper Killens. He activated his lights and  
20 siren. And we saw a passenger car follow the Chevy  
21 pickup truck. So we ended up attempting to catch up  
22 with the pickup truck. I know the speeds were pretty  
23 high. I think at one point we were at 80 miles an hour  
24 on Millard Road.

25 We witnessed the truck and passenger car that was

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1 following the truck turn westbound on Ross Road, and  
2 that's where we were able to overtake the passenger car  
3 that was following the pickup truck and then trying to  
4 close the distance with the Chevy pickup.

5 We got behind the Chevy pickup and it failed to  
6 yield and ended up failing to obey the traffic control  
7 device there at Ross and I believe it was Bachelor Flat  
8 -- please don't quote me on that. It ended up turning  
9 kind of west/northwest-ish towards Gable, and then again  
10 it -- at one point it attempted to -- we thought it was  
11 going to stop because it was pulling over, and then it  
12 went back onto the road. Failed to obey a traffic  
13 control device which was the stop sign there on Bachelor  
14 Flat and what I believe is Gable, and then probably  
15 maybe 100 yards to 200 yards is where the vehicle  
16 finally stopped.

17 Q. And then what happened?

18 A. I remember getting out of the vehicle and we  
19 ended up performing a high risk traffic stop on that  
20 vehicle. I knew my main objective was to make sure that  
21 that vehicle no longer continues based on the driving  
22 behavior I had seen so I ended up retrieving my spike  
23 strips from the trunk of the patrol car. And I made  
24 sure that Trooper Killens was covering the driver of the  
25 vehicle and I ended up deploying spike strips in front

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1 of his passenger side rear tire. I then retreated back  
2 to the passenger side of my car to continue the high  
3 risk traffic stop.

4 I couldn't quite make out what the driver was  
5 saying and I can't remember if it was me or Trooper  
6 Killens, but we ended up calling for cover to get  
7 additional units on scene.

8 Before Saint Helens arrives I could hear him say  
9 something about the other vehicle that was following him  
10 or what I believe that's who he was referring to had a  
11 gun, so I made sure that when Saint Helens officers  
12 arrived I kind of informed them of that information or  
13 at least what was being alleged because my back was to  
14 the other driver.

15 And then basically multiple commands were given  
16 for the driver to exit the vehicle with his hands up.  
17 For whatever reason he was not compliant with those  
18 commands and it got to the point where it was just kind  
19 of what we call an OODA loop where commands were  
20 constantly being given, the same commands and nothing  
21 was changing.

22 So I made the decision to take a team of three up  
23 to the vehicle. We did that at kind of an angle. And  
24 then I was giving the driver commands to keep his hands  
25 up and that's when I could hear he was saying something

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## CERTIFICATE

I, Anne K. Love, a Certified Shorthand Reporter for Oregon, hereby certify that TROOPER CHRISTOPHER COWEN appeared before me via video conference at the time and place set forth in the caption hereof; that at said time and place I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were transcribed under my direction; and the foregoing transcript, pages 1 to 39, both inclusive, constitutes a full, true, and correct record of such testimony adduced and oral proceedings had and of the whole thereof.

Witness my hand at Milwaukie, Oregon this  
15th day of February, 2022.



Anne K. Love OR WA CSR  
Certified Shorthand Reporter  
Oregon CSR No. 02-0379  
Expires: 3/31/23